

***In the House of Representatives, U. S.,***

*September 29, 2008.*

*Resolved*, That the bill from the Senate (S. 2382) entitled “An Act to require the Administrator of the Federal Emergency Management Agency to quickly and fairly address the abundance of surplus manufactured housing units stored by the Federal Government around the country at taxpayer expense.”, do pass with the following

**AMENDMENT:**

Strike all after the enacting clause and insert the following:

1 ***SECTION 1. STORAGE, SALE, TRANSFER, AND DISPOSAL OF***  
2 ***HOUSING UNITS.***

3 *(a) DEFINITIONS.—In this section, the following defi-*  
4 *initions apply:*

5 *(1) ADMINISTRATOR.—The term “Adminis-*  
6 *trator” means the Administrator of FEMA.*

7 *(2) EMERGENCY; MAJOR DISASTER.—The terms*  
8 *“emergency” and “major disaster” have the meanings*  
9 *given such terms in section 102 of the Stafford Act*  
10 *(42 U.S.C. 5122).*

11 *(3) FEMA.—The term “FEMA” means the Fed-*  
12 *eral Emergency Management Agency.*

1           (4) *HAZARD*.—The term “hazard” has the mean-  
2           ing given such term in section 602 of the Stafford Act  
3           (42 U.S.C. 5195a).

4           (5) *USABLE CONDITION*.—The term “usable con-  
5           dition” means, with respect to a temporary housing  
6           unit, a temporary housing unit that provides a safe  
7           and sanitary living condition.

8           (6) *STAFFORD ACT*.—The term “Stafford Act”  
9           means the Robert T. Stafford Disaster Relief and  
10          Emergency Assistance Act (42 U.S.C. 5121 et seq.).

11          (b) *NEEDS ASSESSMENT; ESTABLISHMENT OF CRI-*  
12          *TERIA*.—Not later than 3 months after the date of enact-  
13          ment of this Act, the Administrator shall—

14               (1) complete an assessment to determine the  
15               number of temporary housing units purchased by  
16               FEMA that FEMA needs to maintain in stock to re-  
17               spond appropriately to emergencies or major disasters  
18               occurring after the date of enactment of this Act; and

19               (2) establish criteria for determining whether the  
20               individual temporary housing units stored by FEMA  
21               are in usable condition.

22          (c) *PLAN*.—

23               (1) *IN GENERAL*.—Not later than 6 months after  
24               the date of enactment of this Act, the Administrator  
25               shall establish a plan for—

1           (A) storing the number of temporary hous-  
2           ing units that the Administrator has determined  
3           under subsection (b)(1) that FEMA needs to  
4           maintain in stock;

5           (B) selling, transferring, donating, or other-  
6           wise disposing of the temporary housing units in  
7           the inventory of FEMA, as of the date of enact-  
8           ment of this Act, that—

9                   (i) are in excess of the number of tem-  
10                  porary housing units that the Adminis-  
11                  trator has determined under subsection  
12                  (b)(1) that FEMA needs to maintain in  
13                  stock; and

14                   (ii) are in usable condition, based on  
15                  the criteria established under subsection  
16                  (b)(2); and

17           (C) disposing of the temporary housing  
18           units in the inventory of FEMA that the Admin-  
19           istrator determines are not in usable condition,  
20           based on the criteria established under subsection  
21           (b)(2).

22           (2) IMPLEMENTATION.—Not later than 9 months  
23           after the date of enactment of this Act, the Adminis-  
24           trator shall implement the plan established under  
25           paragraph (1).

1       (d) *APPLICABILITY OF DISPOSAL REQUIREMENTS.*—

2           (1) *IN GENERAL.*—Any sale, transfer, donation,  
3       or disposal of a temporary housing unit under the  
4       plan established under subsection (c)(1) shall be sub-  
5       ject to the requirements of section 408(d)(2) of the  
6       Stafford Act (42 U.S.C. 5174(d)(2)) and other appli-  
7       cable provisions of law.

8           (2) *EXCEPTION.*—Notwithstanding paragraph  
9       (1), the Administrator may sell, transfer, donate, or  
10      otherwise make available temporary housing units in  
11      usable condition in the inventory of FEMA, as of the  
12      date of enactment of this Act, to States, other govern-  
13      mental entities, and voluntary organizations for the  
14      purpose of providing temporary housing to victims of  
15      incidents caused by hazards that do not result in a  
16      declaration of a major disaster or emergency by the  
17      President, if the Governor of the affected State cer-  
18      tifies that there is an urgent need for the temporary  
19      housing units and that the State is unable to provide  
20      the temporary housing units in a timely manner.

21           (3) *LIMITATION ON STATUTORY CONSTRUC-*  
22      *TION.*—Nothing in this section shall be construed to  
23      affect section 689k of the Post-Katrina Emergency  
24      Management Reform Act of 2006 (120 Stat. 1456).  
25      For purposes of that section, a disposal of a tem-

1       porary housing unit under subsection (d)(2) shall be  
2       treated as a disposal to house individuals or house-  
3       holds under section 408 of the Stafford Act (42 U.S.C.  
4       5174).

5       (e) *REPORT.*—Not later than one year after the date  
6       of enactment of this Act, the Administrator shall submit  
7       to the Committee on Transportation and Infrastructure of  
8       the House of Representatives and the Committee on Home-  
9       land Security and Government Affairs of the Senate a re-  
10      port on the status of the distribution, sale, transfer, dona-  
11      tion, or other disposal of the unused temporary housing  
12      units purchased by FEMA.

13   **SEC. 2. SPECIAL RULES FOR COVERED HURRICANE DAM-**  
14                                    **AGES.**

15       (a) *DEFINITIONS.*—In this section, the following defi-  
16      nitions apply:

17           (1) *COVERED HURRICANE DAMAGES.*—The term  
18           “covered hurricane damages” means damages suffered  
19           in the States of Louisiana and Mississippi as a result  
20           of Hurricanes Katrina and Rita.

21           (2) *PRESIDENT.*—The term “President” means  
22           the President acting through the Administrator of the  
23           Federal Emergency Management Agency.

1           (3) *STAFFORD ACT.*—*The term “Stafford Act”*  
2           *means the Robert T. Stafford Disaster Relief and*  
3           *Emergency Assistance Act (42 U.S.C. 5121 et seq.).*

4           (b) *IN LIEU CONTRIBUTIONS.*—*In providing contribu-*  
5           *tions under section 406(c) of the Stafford Act (42 U.S.C.*  
6           *5172(c)) for covered hurricane damages, the President shall*  
7           *substitute 90 percent for the otherwise applicable percentage*  
8           *specified in paragraphs (1)(A) and (2)(A) of such section.*

9           (c) *ALTERNATIVE DISPUTE RESOLUTION PROCE-*  
10          *DURES.*—

11           (1) *IN GENERAL.*—*Notwithstanding section 423*  
12          *of the Stafford Act (42 U.S.C. 5189a) or any regula-*  
13          *tion, the President is authorized and encouraged to*  
14          *use alternative dispute resolution procedures for ap-*  
15          *peals of decisions made under sections 403, 406, and*  
16          *407 of the Stafford Act (42 U.S.C. 5179b, 5172, and*  
17          *5173) regarding the award or denial of assistance, or*  
18          *the amount of assistance, provided to a State, local*  
19          *government, or owner or operator of a private facility*  
20          *for covered hurricane damages.*

21           (2) *DENIALS OF REQUESTS.*—

22           (A) *WRITTEN NOTICE.*—*If a State, local*  
23          *government, or owner or operator of a private*  
24          *facility requests the use of alternative dispute*  
25          *resolution procedures for an appeal pursuant to*

1           *paragraph (1) and the President denies the re-*  
2           *quest, the President shall provide to the State,*  
3           *local government, or owner or operator written*  
4           *notice of the denial, including the reasons for the*  
5           *denial.*

6           *(B) QUARTERLY REPORTS.—The President*  
7           *shall submit to the Committee on Transportation*  
8           *and Infrastructure of the House of Representa-*  
9           *tives and the Committee on Homeland Security*  
10          *and Governmental Affairs of the Senate, on at*  
11          *least a quarterly basis, a report containing in-*  
12          *formation on any denial described in subpara-*  
13          *graph (A) made by the President during the pe-*  
14          *riod covered by the report, including the reasons*  
15          *for the denial.*

16          *(3) APPLICABILITY.—Paragraph (1) shall apply*  
17          *to an appeal made by a State, local government, or*  
18          *owner or operator of a private facility within 60 days*  
19          *after the date on which the State, local government,*  
20          *or owner or operator is notified of the decision that*  
21          *is the subject of the appeal.*

22          *(4) REPORT TO CONGRESS.—Not later than one*  
23          *year after the date of enactment of this Act, the Presi-*  
24          *dent shall submit to the Committee on Transportation*  
25          *and Infrastructure of the House of Representatives*

1        *and the Committee on Homeland Security and Gov-*  
2        *ernmental Affairs of the Senate a report containing*  
3        *a description of how alternative dispute resolution*  
4        *procedures are being used pursuant to this subsection*  
5        *and recommendations on whether the President should*  
6        *be given the authority to use such procedures under*  
7        *the Stafford Act on a permanent basis.*

8        *(d) USE OF SIMPLIFIED PROCEDURES.—For covered*  
9        *hurricane damages, the President may use, if requested by*  
10       *a State or local government or the owner or operator of*  
11       *a private nonprofit facility, section 422 of the Stafford Act*  
12       *(42 U.S.C. 5189) for a project for which the Federal esti-*  
13       *mate of the cost is less than \$100,000.*

14       *(e) STATUS REPORT.—Not later than 180 days after*  
15       *the date of enactment of this Act, the President shall submit*  
16       *to the Committee on Transportation and Infrastructure of*  
17       *the House of Representatives and the Committee on Home-*  
18       *land Security and Government Affairs of the Senate a re-*  
19       *port regarding the status of recovery for the States of Lou-*  
20       *isiana and Mississippi from Hurricanes Katrina and Rita.*

21       **SEC. 3. CASE MANAGEMENT.**

22       *The President may provide services or assistance under*  
23       *section 426 of the Robert T. Stafford Disaster Relief and*  
24       *Emergency Assistance Act (42 U.S.C. 5189d) for victims*

1 *of any major disaster relating to Hurricane Katrina or*  
2 *Hurricane Rita.*

3 **SEC. 4. INDIVIDUAL ASSISTANCE FACTORS.**

4 *In order to provide more objective criteria for evalu-*  
5 *ating the need for assistance to individuals and to speed*  
6 *a declaration of a major disaster or emergency under the*  
7 *Robert T. Stafford Disaster Relief and Emergency Assist-*  
8 *ance Act (42 U.S.C. 5121 et seq.), not later than one year*  
9 *after the date of enactment of this Act, the Administrator*  
10 *of the Federal Emergency Management Agency, in coopera-*  
11 *tion with representatives of State and local emergency man-*  
12 *agement agencies, shall review, update, and revise through*  
13 *rulemaking the factors considered under section 206.48 of*  
14 *title 44, Code of Federal Regulations, to measure the sever-*  
15 *ity, magnitude, and impact of a disaster.*

Attest:

*Clerk.*

110<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**S. 2382**

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**AMENDMENT**